



MINUTES OF THE SPECIAL MEETING OF THE MERIT BOARD – June 3, 2013

***State Universities Civil Service System Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802
&
(Video Conference)
University of Illinois at Chicago
Human Resources Building
Room 201D
715 South Wood Street
Chicago, Illinois
&
(Video Conference)
Southern Illinois University Carbondale
Morris Library
Conference Room, 1st Floor
605 Agricultural Drive
Carbondale, IL***

Vice Chair Montgomery called the meeting to order at 10:05 a.m.

Members present at the primary meeting location were: Betty Kinser, representing Illinois State University; Robert T. Marshall, Jr., representing Northern Illinois University; and Robert D. Webb, representing Eastern Illinois University.

Members present at the Chicago videoconference location were: James D. Montgomery, Vice Chair, representing the University of Illinois; and Lyneir Cole, representing Western Illinois University.

Member present at the Southern Illinois University Carbondale videoconference location was: Donna Manering, representing Southern Illinois University.

Members absent were: Marvin Garcia, representing Northeastern Illinois University; Karen Hasara, representing the University of Illinois; Patricia Brown Holmes, representing the University of Illinois; and Spencer Leak, Sr., representing Chicago State University.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Abby K. Daniels, Manager, Legal Services and Legal Counsel; and Teresa Rademacher, Secretary for the Merit Board. Various other university employees and University System Office staff were also in attendance.

Consideration of participation by other Merit Board Members, not physically present at meeting site

No members had requested to participate by teleconference.

Consideration of the Minutes of the 187th Meeting of the Merit Board, January 30, 2013

The minutes of the 187th meeting of the Merit Board, January 30, 2013 had been transmitted to members of the Merit Board with the special agenda materials.

Dr. Webb moved to approve the minutes of the 187th meeting of the University Civil Service Merit Board. Mr. Marshall seconded Dr. Webb's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Discharge Proceeding Number UIUC-12-6 filed against Andrea Harvey by the University of Illinois at Urbana-Champaign

On May 7, 2013, the Secretary for the Merit Board mailed the Hearing Record for the Andrea Harvey discharge case (UIUC-12-6) to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Vice Chair Montgomery asked for a motion regarding this matter. Dr. Webb made a motion that Ms. Harvey be discharged from the University of Illinois at Urbana-Champaign. Mr. Cole seconded Dr. Webb's motion.

A roll call vote was taken and the motion carried with the following vote:

Dr. Webb	Aye
Mr. Cole	Aye
Mr. Garcia.....	Absent
Ms. Hasara.....	Absent

Judge HolmesAbsent
Mrs. KinserAbstained
Mr. Leak.....Absent
Dr. ManeringAye
Mr. MarshallAye
Mr. Montgomery.....Aye

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM

ANDREA HARVEY,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee-Petitioner,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. UIUC-12-6
UNIVERSITY OF ILLINOIS at)	
Urbana-Champaign,)	
)	
Employer-Respondent.)	

DECISION AND ORDER OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by the **UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN**, employer, against **ANDREA HARVEY**, employee, by service of Written Charges for Discharge by certified mail on September 17, 2012 and the Employee-Petitioner,



ANDREA HARVEY, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on February 28, 2013 in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge, dated September 17, 2012
2. Suspension Notice Pending Discharge, dated September 17, 2012
3. Employee-Petitioner's request for hearing, filed on September 18, 2012
4. Employee-Petitioner's email providing attorney contact information, dated September 20, 2012
5. Acknowledgement of Hearing request, dated September 21, 2012
6. Request for Continuance, dated October 24, 2012
7. Acknowledgement of Continuance to the parties of record, dated October 31, 2012
8. Notice of Hearing to Hearing Officer Green, dated November 7, 2012
9. Notice of Convening of Hearing to the parties of record, dated November 7, 2012
10. Motion to Withdraw, filed by Attorney for Employee-Petitioner, November 7, 2012
11. Response from Employer-Respondent regarding Motion to Withdraw, November 8, 2012
12. Request for Subpoenas, November 28, 2012
13. Subpoena for Tonia White-Rose, dated December 3, 2012
14. Subpoena for Janet Peters, dated December 3, 2012
15. Subpoena for LaTonya Webb-Burton, dated December 3, 2012
16. Request for Continuance, dated December 6, 2012
17. Acknowledgement of Continuance to the parties of record, dated December 19, 2012
18. Notice of Hearing to Hearing Officer Green, dated December 20, 2012
19. Notice of Convening of Hearing to the parties of record, dated December 20, 2012
20. Motion for Testimony by Telephone/Skype, filed by Employee-Petitioner, dated February 26, 2013
21. Employee-Petitioner's Notice of Representation, dated February 27, 2013

22. Motion to Withdraw the Motion for Testimony by Telephone/Skype, filed by Employee-Petitioner, dated February 27, 2013
23. Transcript of Evidence and Exhibits February 28, 2013
24. Employer's Closing Argument, filed on March 11, 2013
25. Request for Findings of Fact from Hearing Officer Green, dated March 20, 2013
26. Findings of Fact, rendered by Hearing Officer Green, dated April 5, 2013
27. Certification of Hearing Record, dated April 11, 2013
28. Notification of "Certification of Hearing Record" to the parties of record, dated April 11, 2013

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.
2. That the Hearing Record, as supplemented, supports and sustains one or more of the following charges of the employer, **UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN**, against the employee, **ANDREA HARVEY**, and establishes just cause for discharge;
 1. Recurring unauthorized and unexcused absences
 2. Recurring failure to follow departmental call-in procedures.

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN**, to the extent not inconsistent with the findings made herein.
2. All other motions or requests are hereby denied.
3. The employee, **ANDREA HARVEY**, is hereby separated from the service of her employer, **UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN**, and that the effective date of her discharge shall be as of June 3, 2013.

DATED AND ENTERED this 3rd day of June, 2013.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ James D. Montgomery
James D. Montgomery, Vice Chair
University Civil Service Merit Board

ATTEST:

/s/ Teresa M. Rademacher
Teresa M. Rademacher
Secretary for the Merit Board

Consideration of Discharge Proceeding Number ISU-12-3 filed against Bruce McClure by Illinois State University

On April 18, 2013, the Secretary for the Merit Board mailed the Hearing Record for the Bruce McClure discharge case (ISU-12-3) to each member of the Merit Board. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting.

Vice Chair Montgomery asked for a motion regarding the "Motion for Personal Appearance Before the Merit Board" filed on behalf of the Employer-Respondent. Dr. Manering made a motion to allow the personal appearance before the Merit Board if needed. Dr. Webb seconded Dr. Manering's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Vice Chair Montgomery asked for a motion regarding the “Motion for Denial of Motion for Personal Appearance Before the Merit Board” filed by the Employee-Petitioner. Mr. Cole made a motion to deny the “Motion for Denial of Motion for Personal Appearance Before the Merit Board” filed by the Employee-Petitioner. Mr. Marshall seconded Mr. Cole’s motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

NOTE: Neither party was asked to provide oral arguments before the Merit Board.

Vice Chair Montgomery asked for a motion regarding this matter. Dr. Webb made a motion that Mr. McClure be discharged from Illinois State University. Mr. Marshall seconded Dr. Webb’s motion.

A roll call vote was taken and the motion carried with the following vote:

Dr. Webb	Aye
Mr. Cole	Aye
Mr. Garcia	Absent
Ms. Hasara	Absent
Judge Holmes	Absent
Mrs. Kinser	Aye
Mr. Leak	Absent
Dr. Manering	Aye
Mr. Marshall	Aye
Mr. Montgomery	Abstained

The following decision and order was therefore adopted.

STATE OF ILLINOIS



STATE UNIVERSITIES CIVIL SERVICE SYSTEM



BRUCE McClURE,)	BEFORE THE UNIVERSITY CIVIL
)	SERVICE MERIT BOARD
Employee-Petitioner,)	
)	DISCHARGE PROCEEDING
v.)	
)	No. ISU-12-3
ILLINOIS STATE UNIVERSTIY,)	
)	
Employer-Respondent.)	

DECISION AND ORDER OF THE
UNIVERSITY CIVIL SERVICE MERIT BOARD

PROCEDURAL HISTORY

Discharge proceedings have been commenced by **ILLINOIS STATE UNIVERSITY**, employer, against **BRUCE McClURE**, employee, by service of Written Charges for Discharge by certified mail on November 7, 2012 and the Employee-Petitioner, **BRUCE McClURE**, has filed a timely written request for Hearing. A Hearing has been duly convened, held, and concluded on February 8, 2013, in conformity with the procedures set forth in section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)). The complete Hearing Record has been certified and placed on file in this cause.

FINDINGS

The University Civil Service Merit Board has examined and reviewed the Hearing Record, as supplemented, which includes the following:

1. Written Charges for Discharge, dated November 7, 2012
2. Suspension Notice Pending Discharge, dated November 7, 2012
3. Employee-Petitioner's request for hearing, filed on November 14, 2012

4. Acknowledgement of Hearing request, dated November 15, 2012
5. Motion to Extend Hearing, filed on December 4, 2012 by the Employee-Petitioner
6. Acknowledgement of Motion to Extend Hearing to the parties of record, dated December 13, 2012
7. Notice of Hearing to Hearing Officer Reynolds, dated December 17, 2012
8. Notice of Convening of Hearing to the parties of record, dated December 17, 2012
9. Employer-Respondent's Witness List
10. Transcript of Evidence and Exhibits, February 8, 2013
11. Written Arguments and Summary Statements on behalf of Bruce McClure, filed by the Employee-Petitioner, February 15, 2013
12. Post Hearing Brief, filed by the Employer-Respondent, February 18, 2013
13. Request for Findings of Fact from Hearing Officer Reynolds, dated March 4, 2013
14. Findings of Fact, rendered by Hearing Officer Reynolds, dated March 19, 2013
15. Certification of Hearing Record, dated March 22, 2013
16. Notification of "Certification of Hearing Record" to the Employer-Respondent and the Employee-Petitioner, dated March 22, 2013
17. Motion for Personal Appearance Before the Merit Board, filed by Employer-Respondent, on April 5, 2013
18. Receipt and Notice of Filing "Motion for Personal Appearance Before the Merit Board," dated April 10, 2013
19. Motion for Denial of Motion for Personal Appearance, filed by Employee-Petitioner, on April 12, 2013
20. Response to Employee-Petitioner regarding "Motion for Denial of Motion for Personal Appearance," dated April 17, 2013
21. Letter from Employee-Petitioner regarding the April 17, 2013 response to the "Motion for Denial of Motion for Personal Appearance", dated April 19, 2013

Now being fully advised of the matters contained in the Hearing Record, as supplemented, and based solely on the matters contained in the Hearing Record, as supplemented, the University Civil Service Merit Board makes the following jurisdictional and factual findings and issues the following Decision and Order:

1. That this discharge proceeding has been commenced and conducted in compliance with section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f)) and all applicable State and Federal Laws and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof.

2. That the Hearing Record, as supplemented, supports and sustains one or more of the following charges of the employer, **ILLINOIS STATE UNIVERSITY**, against the employee, **BRUCE McCLURE**, and establishes just cause for discharge;

1. Theft/Misappropriation of University Property
2. Violation of University Policy 3.1.32
3. Violation of University Policy 3.1.34.

DECISION AND ORDER

WHEREFORE, IT IS HEREBY ORDERED:

1. The Findings of Fact of the Hearing Officer, attached hereto, are approved and certified to the employer, **ILLINOIS STATE UNIVERSITY**, to the extent not inconsistent with the findings made herein.
2. All other motions or requests are hereby denied.
3. The employee, **BRUCE McCLURE**, is hereby separated from the service of his employer, **ILLINOIS STATE UNIVERSITY**, and that the effective date of his discharge shall be as of June 3, 2013.

DATED AND ENTERED this 3rd day of June, 2013.

UNIVERSITY CIVIL SERVICE MERIT BOARD

By: /s/ James D. Montgomery
James D. Montgomery, Vice Chair
University Civil Service Merit Board

ATTEST:

/s/ Teresa M. Rademacher
Teresa M. Rademacher
Secretary for the Merit Board



Update and authorization for the Executive Director to implement and administer the Merit Board Budget for FY 2014

Mr. Morelock updated the Merit Board on the status of the FY 2014 appropriation/operating budget. Mr. Morelock stated that the House and Senate have both recently passed an appropriation bill at the current FY 2013 appropriation level for FY 2014.

Vice Chair Montgomery requested a motion on the Resolution as presented in the special agenda materials. Dr. Manering made a motion to adopt the following Resolution.

RESOLUTION

BE IT RESOLVED THAT the Merit Board authorizes the Executive Director to administer the FY 2014 agency budget, pursuant to the availability of funds and final approval by the Governor's office. Contingent upon the availability of funds, the FY 2014 agency budget may include employee salary adjustments administered in accordance with applicable Merit Board Policies and Pay Administration Guidelines, along with a proportionate salary increase (3% maximum) for the Executive Director. The Merit Board also authorizes the Executive Director to make any other expenditures necessary for the operation of the State Universities Civil Service System and the Merit Board office, commencing July 1, 2013 and continuing until such time as the FY 2014 appropriation becomes effective or the Merit Board directs otherwise.

Mr. Marshall seconded Dr. Manering's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of Public Officials Errors and Omissions Insurance – July 1, 2013 through June 30, 2014

Mr. Morelock updated the Merit Board on the Public Officials Errors and Omissions Insurance Policy for FY 2014. University System staff is still researching this policy. Mr. Cole made a motion that the University System staff investigate and purchase, based on budgetary discretion, a Public Officials Insurance Policy. Dr. Manering seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Consideration of new Identity Protection Policy in accordance with the Illinois Identity Protection Act (5 ILCS 179/1)

Mr. Morelock stated the agency became aware that every State of Illinois agency was required to have in place an "Identity Protection Policy." Currently the agency does not collect social security numbers for anyone besides employees of the University System. Mr. Cole made a motion to approve the new Identity Protection Policy that was included in the special agenda materials. Dr. Manering seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Other Items as Presented

The next meeting of the Merit Board will be on Wednesday, August 21, 2013 at the University System office, with videoconference locations in the Chicago and Carbondale areas. Mr. Cole made a motion to adjourn the meeting. Dr. Manering seconded Mr. Cole's motion. A voice vote was taken and carried. The meeting adjourned at 10:22 a.m.

Respectfully submitted,

/s/ Teresa M. Rademacher

Teresa M. Rademacher
Secretary for the Merit Board

APPROVED:

/s/ James D. Montgomery

James Montgomery, Vice Chair
University Civil Service Merit Board

September 10, 2013

Date